IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

FRIDAY, THE 8TH JUNE 2007 / 18TH JYAISHTA 1929

WP(C).No. 8435 of 2007(D)

PETITIONER:

ALAMPALLY BROTHERS LIMITED REGISTERED OFFICE AT DOOR NO.XVI/405(7),MANJOORAN CENTRE, HOSPITAL JUNCTION,PBNO.63 ALUVA,ERNAKULAM DIST. PIN-683 101 REPRESENTED BY ITS DIRECTOR,\ MR.SANOOB ABDULKADER.

BY ADV. SRI.SHAJI CHIRAYATH
SMT.JIJI M. VARKEY

RESPONDENTS:

1. EMPLOYEES PROVIDENT FUND ORGANISATION BHAVISHYANIDHI BHAVAN,NEW DELHI,REPRESENTED BY CHIEF PROVIDENT FUND COMMISSIONER.

2. ASSISTANT PROVIDENT FUND COMMISSIONER EMPLOYEES PROVIDENT FUND ORGANISATION, BHAVISHYANIDHI BHAVAN,KALOOR,ERNAKULAM DISTRICT PIN 682 017.

3. RECOVERY OFFICER,EMPLOYEES PROVIDENT FUND ORGANISATION,BHAVISHYANIDHI BHAVAN,KALOOR ERNAKULAM DISTRICT PIN-682 017.

BY ADV. SRI.S.GOPAKUMARAN NAIR, SC, P.F.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 08/06/2007, A/W. W.P(C).NO.17304/2007 THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

S.SIRI JAGAN, J.

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W.P.(C).Nos.8435 & 17304 of 2007

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Dated this the 8th day of June, 2007

J U D G M E N T

The petitioner in both the writ petitions is a company. They filed W.P(C).No.8435/2007 challenging the demand for damages under Section 14-B and interest under 7Q. The filed W.P(C).No.17304/2007 challenging the original order passed demanding 7Q interest. In W.P(C).No.8435/2007 this court granted an interim stay on condition that the petitioner pays an amount of Rs.5 lakhs within one month. It is admitted by the counsel for the petitioner that the said amount has not been paid.

2. I have heard the learned counsel for the petitioner as also the learned Standing Counsel appearing for the Provident Fund Organization.

3. The learned counsel for the petitioner submits that the petitioner has already filed Ext.P7 appeal, copy of which is produced in W.P(C).

No. 8435/2007. As far as the challenge against 7Q interest is concerned, the same is statutory and no appeal is provided against the order demanding 7Q interest under the Employees' Provident Funds and Miscellaneous Provisions Act. Since the demand being statutory, the petitioner is bound to pay the same. Accordingly, W.P(C).No.17304/2007 is dismissed. In W.P(C).No.8435/2007 the demand is in respect of damages under Section 14-B as well as Section 7Q. Since I have already dismissed the original order imposing 7Q damages, as far as 7Q interest is concerned, nothing survives in the writ petition. Regarding the demand for damages under Section 14-B, it is for the petitioner to pursue their appeal before the Tribunal. Without prejudice to that right, W.P(C).No.8435/2007 is also dismissed.

Sd/-

sdk+ S.SIRI JAGAN, JUDGE

///True copy///

P.A. to Judge.